

Message Text

UNCLASSIFIED

PAGE 01 COPENH 02788 241428Z

46

ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 IO-13 DLOS-06 SAL-01 L-03 OIC-02

SAM-01 /045 W

----- 104635

R 241330Z AUG 76

FM AMEMBASSY COPENHAGEN

TO SECSTATE WASHDC 3145

INFO AMEMBASSY MADRID

UNCLAS COPENHAGEN 2788

FROM RFA EUROPE

EO 11652: N/A

TAGS: AORG, ICES

SUBJ: ICES

REF: A. COPENHAGEN 2758; B. STATE 206154; STATE 209058

1. IN LIEU OF AIRMAIL LETTER FROM SECRETARY GENERAL OF ICES (REF A), EMBASSY TODAY RECEIVED DETAILED EXPLANATION CONCERNING QUESTION OF SPANISH VOTE (REF B) THE TEXT FROM THE SECRETARY GENERAL FOLLOWS:

"SINCE THE QUESTIONS WERE TOO COMPLICATED FOR ANSWERING VERBALLY, I PREFER TO WRITE IN ORDER TO QUOTE THE COUNCIL'S INTERPRETATION OF THE ARTICLE 14(6).

AS THE TELEGRAM SAYS, THIS ARTICLE IS NOT VERY CLEAR, IN THAT IT IS NOWHERE DEFINED WHAT "LOSING ITS RIGHTS" MEAN. THERE WAS GENERAL AGREEMENT IN THE COUNCIL THAT IT CANNOT MEAN "LOSING ITS MEMBERSHIP".

WHEN, THEREFORE, SOME YEARS AGO ITALY WAS IN ARREARS WITH HER PAYMENT FOR TWO CONSECUTIVE YEARS, IT BECAME NECESSARY FOR THE COUNCIL TO INTERPRET THE PARAGRAPH. THE INTERPRETATION WHICH WAS UNANIMOUSLY AGREED, IS FOUND ON P. 32-33 IN PROCES-VERBALE DE LA REUNION 1970, AND UNCLASSIFIED

UNCLASSIFIED

PAGE 02 COPENH 02788 241428Z

READS AS FOLLOWS:

A) DELEGATES AND EXPERTS FROM THE COUNTRY IN QUESTION ARE NOT ELIGIBLE FOR CHARIMANSHIP OF ANY OF THE STANDING COMMITTEES, OR FOR ANY OF THE POSTS WHICH ARE FILLED BY THE COUNCIL BY ELECTIONS (MEMBERS OF THE BUREAU, FINANCE COMMITTEE, EDITORS).

B) DELEGATES AND EXPERTS FROM THE COOUNTRY IN QUESTION, WHO TAKE PART IN MEETINGS OF THE COUNCIL OR COMMITTEES, HAVE NO RIGHT TO VOTE.

C) THE CONTRACTING PARTY IN QUESTION IS DEPRIVED OF ITS RIGHT TO WITHHOLD CONSENT TO DECISIONS, IN SUCH CASES WHERE CONSENT IS REQUIRED, AND IT IS BOUND BY DECISIONS TAKEN BY THE REMAINING CONTRACTING PARTIES DURING THE PERIOD.

D) ALL RIGHTS MENTIONED UNDER A), B) AND C) ABOVE ARE IMMEDIATELY RESTORED WHEN THE CONTRACTING PARTY IS NO LONGER IN ARREARS FOR TWO CONSECUTIVE YEARS.

IT IS PARAGRAPH C) WHICH IS IMPORTANT IN THIS CONNECTION. SPAIN HAS SO FAR ONLY PAID DKR. 14,000 OUT OF ITS COMMITTED DKR. 96,000 FOR THE FINANCIAL YEAR 1975/76 (DUE ON 22 JULY, 1975) AND NOTHING OF ITS CONTRIBUTION FOR 1976/77 (DUE ON 22 JULY, 1976). THE ICES FINANCIAL YEAR STARTS ON 1 NOVEMBER, AND THE FINANCIAL CONTRIBUTIONS ARE DUE TO BE PAID ON 22 JULY BEFORE THE FINANCIAL YEAR TO WHICH THEY RELATE, STARTS (RULE 19(I) OF THE RULES OF PROCEDURE).

I BELIEVE THE QUESTION RAISED IN THE TELEGRAM IS WHEN WOULD APSIN "LOSE ITS RIGHTS UNDER THE CONVENTION". TECHNICALLY ONE MIGHT SAY THEY WERE LOST ON 23 JULY, 1976. HOWEVER, THIS DOES NOT NECESSARILY MEAN THAT THE NEW SCHEME OF CONTRIBUTIONS WOULD AUTOMATICALLY COME INTO EFFECT THEN. IF SPAIN PAID HER REMAINING CONTRIBUTION FOR 1975/76 BEFORE THE COUNCIL WOULD VOTE ON THE FORECAST BUDGET FOR 1977/78 WITHOUT INFORMATION THE COUNCIL ABOUT ITS DECISION AS TO THE NEW SCHEME, SHE WOULD, IN UNCLASSIFIED

UNCLASSIFIED

PAGE 03 COPENH 02788 241428Z

ACCORDANCE WITH PARAGRAPH D) OF THE INTERPRETATION, BE "IMMEDIATELY RESTORED" IN ALL RIGHTS.

I AM AWARE THAT THIS POINT CAN BE ARGUED, AND THAT THERE ARE ARGUMENTS FOR AND AGAINST SUCH AN INTERPRETATION. MY POINT HERE IS THAT ONE WILL NOT REACH A SOLUTION UNLESS THE DELEGATES AGREE, AND IT IS THEREFORE IMPORTANT THAT THERE IS SOME PRECEDENCE FOR THE PRACTICE THAT THE

QUESTION OF USING ARTICLE 14(6) AGAINST A COUNTRY IS
DECIDED BY THE COUNCIL AT THE BEGINNING OF THE MEETING
FOLLOWING THE DATE WHEN THE SITUATION AROSE. THIS SEAMS
TO BE IN ACCORDANCE WITH GENERALLY ACCEPTED INTERNA-
TIONAL PRACTICE TOO.

WE WILL THEREFORE NOT KNOW UNTIL THE COUNCIL MEETS, IF
THE NEW SCALE IS IN FORCE - UNLESS, OF COURSE, SPAIN
GIVES HER CONSENT TO IT IN THE MEANTIME. DELEGATES
SHOULD THEREFORE PREPARE THEMSELVES FOR BOTH ALTERNA-
TIVES".

2. UPCOMING CHAIRMANSIPS FOR ELECTION AT THE 64TH
STATUTORY MEETING (REF C) ARE: THE CONSULTATIVE
COMMITTEE, THE STATISTICS COMMITTEE, THE PELAGIC FISH
(NORTHERN) COMMITTEE, THE HYDROGRAPHY COMMITTEE, THE
ANADROMOUS AND CATADROMOUS FISH COMMITTEE, AND THE
MARINE MAMMALS COMMITTEE.
LUKENS

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 24 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976COPENH02788
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760323-0408
From: COPENHAGEN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760827/aaaaawkc.tel
Line Count: 134
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 COPENHAGEN 2758, 76 STATE 206154, 76 STATE 209058
Review Action: RELEASED, APPROVED
Review Authority: harterdrg
Review Comment: n/a
Review Content Flags:
Review Date: 26 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 APR 2004 by ReddocGW>; APPROVED <18 JAN 2005 by harterdrg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ICES
TAGS: AORG, US, SW, SP, ICES
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006